

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 11-20706

MARTIN TUCKER,

Defendant.

**OPINION AND ORDER DENYING DEFENDANT'S
PETITION FOR ACQUITTAL OR NEW TRIAL**

On December 7, 2012, a jury convicted Tucker of one count of bank robbery, 18 U.S.C. § 2113(a), and one count of using, carrying and brandishing a firearm during and in relation to a crime of violence, 18 U.S.C. § 924(c)(1). The court sentenced Defendant to terms of 63 and 84 months' imprisonment, to be served consecutively. Defendant's appeal is currently pending before the Sixth Circuit.

On January 22, 2014, Defendant Martin Tucker, proceeding pro se, filed a "Petition to File Petition for Acquittal," specifying "innocence" as his reason for the motion. The court construes Defendant's filing as asking for either a new trial pursuant to Fed. R. Crim. P. 33(b)(2), or for a judgment of acquittal pursuant to Fed. R. Crim. P. 29(c)(2). Both Rule 29 and 33 require a criminal defendant to make a motion for a acquittal or a new trial, respectively, within 14 days of a guilty verdict. Defendant's motion exceeds these deadlines by over a year, and the court does not have jurisdiction to grant his motion under either rule. *See Carlisle v. United States*, 517 U.S. 416, 420–21 (1996); *United States v. Koeler*, 24 F.3d 867, 869 (6th Cir. 1994). Accordingly,

IT IS ORDERED that Defendant's "Petition to File Petition for Acquittal" [Dkt. # 101] is DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 25, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 25, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522